

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:11-cr-00032-MR-DLH

UNITED STATES OF AMERICA,

vs.

JONATHAN MAURICE USSERY.

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ORDER

THIS MATTER is before the Court on the Defendant's Response to the Court's Order entered October 25, 2013, directing the Defendant to demonstrate either excusable neglect or good cause for failing to file a notice of appeal in a timely manner [Doc. 54].

Federal Rule of Appellate Procedure 4(b) provides, in pertinent part, as follows:

Upon a finding of excusable neglect or good cause, the district court may -- before or after the time has expired, with or without motion and notice -- extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).

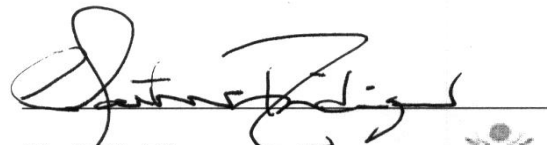
Fed. R. App. P. 4(b)(4). As noted by the Fourth Circuit, the Defendant's notice of appeal was filed within the thirty-day excusable neglect period.

For the reasons stated in the Defendant's Response [Doc. 54], the Court finds that good cause has been shown. The Court therefore will allow an extension of the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by Fed. R. Crim. P. 4(b)(1)(A)(i). Accordingly, the Defendant's Notice of Appeal shall be deemed to have been timely filed.

IT IS, THEREFORE, ORDERED that the Defendant's Notice of Appeal is hereby deemed to have been timely filed.

IT IS SO ORDERED.

Signed: November 12, 2013


Martin Reidinger
United States District Judge

